

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL E. LONG,

Plaintiff,

v.

AMAZON.COM SERVICES LLC,

Defendant.

Case No. C23-209RSL

ORDER DENYING MOTION
FOR JUDICIAL REVIEW

This matter comes before the Court on plaintiff's "Motion for Judicial Review" (Dkt. # 48). The Court, having reviewed the submissions of the parties and the remainder of the record, DENIES the motion.

The Court lacks jurisdiction to address plaintiff's motion. "Once a notice of appeal is filed, the district court is divested of jurisdiction over the matters being appealed." *Nat. Res. Def. Council, Inc. v. Sw. Marine Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001). On April 29, 2024, this Court entered an order granting defendant's motion for summary judgment and dismissing plaintiff's discrimination claims as untimely because plaintiff filed his lawsuit more than ninety days after receiving the Right to Sue Notice. Dkt. # 44; 42 U.S.C. § 2000e-5(f)(1). On May 21, 2024, plaintiff filed a Notice of Appeal from this Court's order, Dkts. # 47, and the present motion seeking that this Court declare the "requirement of having to file a [claim] of racial discrimination with the agency before having access to court" as unconstitutional, Dkt. # 48.¹

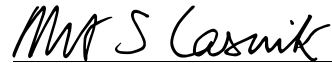
¹ Plaintiff's Notice of Appeal was docketed first. *See* Dkt. # 47. Thus, the Court finds that it lost jurisdiction over those matters pending appeal once it received the Notice. *See Nat. Res. Def. Council*, ORDER DENYING MOTION FOR JUDICIAL REVIEW - 1

1 Because the subject matter pending appeal is closely related to the subject matter of the present
2 motion, this Court lacks jurisdiction to decide the issue. *See Nat. Res. Def. Council, Inc.*, 242
3 F.3d at 1166.

4 For all the foregoing reasons, plaintiff's motion for judicial review (Dkt. # 48) is
5 DENIED.

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7 IT IS SO ORDERED.

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9 DATED this 13th day of August, 2024.

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12 Robert S. Lasnik
13 United States District Judge
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 Inc., 242 F.3d at 1166 (holding that the purpose of the rule “is to promote judicial economy and avoid
the confusion that would ensue from having the same issues before two courts simultaneously.”).
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